

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/262,056 03/04/99 SMITH

J T8464287US

GOWLING STRATHY AND HENDERSON  
SUITE 4900  
COMMERCE COURT WEST  
TORONTO ON M5L 1J3  
CANADA

WM01/0620

AIR MAIL

EXAMINER

HARRISON, C

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

06/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/262,056</b>	Applicant(s) <b>Smith et al.</b>
	Examiner <b>Chante' Harrison</b>	Art Unit <b>2672</b>



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on Apr 24, 2001.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-6 and 12-14 is/are rejected.
- 7)  Claim(s) 7-11 is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)
- 17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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**DETAILED ACTION**

1. This action is responsive to communications: Amendment B, filed on 6/2/00.

***This action is made FINAL.***

2. Claims 1-14 are pending in the case. Claims 1 and 12 are independent claims. Claims 1, 2, 9, 11-14 have been amended.

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al., U.S. Patent 6,058,397, 5/2000, 345/473 and further in view of Kamen et al., U.S. Patent 5,812,141, 9/1998, 345/430.

As per independent claim 1, Barrus discloses receiving predefined output (col. 19, ll. 13-19), parsing the output to identify a texture, evaluating each texture in terms of a corresponding parameter defined in the output to obtain a corresponding texture output (col. 19-20, ll. 45-14), rendering the output (col. 10, ll. 53-54). Barrus fails to disclose a texture expression, which is disclosed by Kamen (col. 2, ll. 40-53). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosure of Kamen with Barrus because Kamen teaches rendering a variety of textures represented by either an array or a mathematical function in a computer network (col. 2, ll. 40 et seq.; col. 4, ll. 35 et seq.) and Barrus teaches storing primitives as matrices and applying one of multiple corresponding texture maps to each primitive (col. 8, ll. 1-7; col. 15-16, ll. 65-10; col. 18, ll. 24-32).

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As per dependent claims 2 and 11, Barrus discloses the corresponding parameter comprising pixel coordinates (col. 12, ll. 27-33), as does Kamen (col. 5, ll. 35-53).

As per dependent claim 3, Barrus discloses display coordinates (col. 7, ll. 30-35; col. 15, ll. 42-47) as does Kamen (col. 5, ll. 40-44).

As per dependent claims 4 and 13, Barrus discloses the coordinates expressed with respect to the region of the display to which the texture is to be applied (col. 7, ll. 30-50; col. 19, ll. 45-65), as does Kamen (col. 6, ll. 20 et seq.).

As per dependent claim 5, Barrus disclose the texture expression producing an image texture and evaluating the expression for each color value of the colorspace (col. 8, ll. 18; col. 10, ll. 40-61) as does Kamen (col. 5, ll. 34-43).

As per dependent claim 6, Barrus fails to specifically disclose an RGB colorspace, which is disclosed by Kamen (col. 5, ll. 42). However Barrus teaches modifying the database that defines the virtual environment to be transmitted to the format of the receiving renderer (col. 7, ll. 23-27; col. 8, ll. 1-8; col. 9, ll. 7-1; col. 9-10, ll. 64-9).

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As per independent claim 12, Barrus discloses a system (FIG. 20) for implementing the method of claim 1. Therefore the rejection as applied to independent claim 1 is included herein.

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3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Kamen as applied to claim 12 above, and further in view of Elliot et al., U.S. Patent 5,764,241, 6/1998, 345/473.

As per dependent claim 14, Barrus discloses an audio texture (col. 13, ll. 55-57; col. 20, ll. 55-59) but fails to disclose the corresponding parameter is time-based, which is disclosed by Elliot (col. 8, ll. 19-37) as is an audio texture (col. 8, ll. 23-26). Kamen fails to disclose both features. It would have been obvious to combine the disclosures of Barrus and Elliot because Elliot fulfills browser requests and manipulates Hypertext files including audio using user defined data to prepare multiple visual output presentations from multiple input formats (col. 7-8) as does Barrus (col. 19-20) and to further combine their disclosures with that of Kamen who teaches rendering at a desired quality, textures calculated from mathematical functions.

Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Citation of Pertinent Prior Art*

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

David Salesin et al., U.S. Patent 5,847,712, 12/1998, 345/430

Del Jensen, U.S. Patent 5,956,043, 9/1999, 345/430

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

**OR:**

(703) 308-6606 (for informal or draft communications, please label  
“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner  
should be directed to Chante' Harrison whose telephone number is (703) 305-3937. She can  
normally be reached on Monday-Friday from 8:00am - 5:00pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor Michael  
Razavi, can be reached on (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group receptionist whose telephone number is (703) 305-4700.

Chante' Harrison

June 7, 2001



MATTHEW LUU  
PRIMARY EXAMINER